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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,628	07/31/2001	Chien Teh Huang	MR1957-572	1548

4586 7590 10/15/2002

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[REDACTED] EXAMINER

WEINHOLD, INGRID M

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3632

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/917,628	HUANG, CHIEN TEH	
Examiner	Art Unit		
Ingrid M Weinhold	3632		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 August 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 and 5 is/are rejected.

7) Claim(s) 2-4 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 13 August 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

2nd NON FINAL ACTION

Claim Rejections - 35 USC § 103

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmo (4,044,979) in view of Marshall (4,934,706). Lemmo shows a holder body (36) having a screw hole thereon, a pipe cover (38) disposed at a top of the holder body, a retaining groove (40) annularly disposed on the pipe cover, and a fixing stud (42) screwed into the screw hole of the holder body, a first end of the stud being matched into the retaining groove of the pipe cover and a second end of the stud joined to a turn knob. Lemmo however does not show the turn knob being circular and knurled. The type of handle used is the applicant's design choice as it is obvious that any type of handle that could turn the screw could be utilized. However, Marshall is being used to show that a circular knob with knurling (21) is in fact well known to be used on the end of the set screw. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced one well known handle type with another.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmo (4,044,979) in view of Marshall (4,934,706) and further in view of Heath (5,947,424). Lemmo and Marshall combined show all of the features claimed by the applicant's invention but do not however show a nut screwed onto the fixing stud. Nuts are well-known in the art to be used with screws to secure and lock the screw in place. Heath shows a set screw (22) in combination with a nut. Therefore it would have been obvious

to have used a nut as taught by Heath with the set screw by Lemmo and Marshall combined in order to further secure the pipe cover in place.

Allowable Subject Matter

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

New rejections have been made in this office action therefore the arguments to the previous rejections are moot and this action is a non-final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morgan	U.S. Patent	547,963
Engstrom	U.S. Patent	3,910,544
Dugan	U.S. Patent	4,719,845

The above patents all show annular grooves with set screws.

Woodward et al.	U.S. Patent	6,082,680
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The above patent shows a pipe cover with a set screw being inserted into one of four openings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Weinhold whose telephone number is (703)-306-5762.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3686 for informal documents and (703) 305-3597 for formal regular communication and After Final Communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

sw

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